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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/332,846 06/14/99 LANDRY

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EXAMINER

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ART UNIT

PAPER NUMBER

2761

DATE MAILED:

01/20/00

*4***Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.  
09/332,846

Applicant(s)

George W. Landry

Examiner

RAQUEL ALVAREZ

Group Art Unit

2761



Responsive to communication(s) filed on Jun 14, 1999.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 25-88 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 25-88 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

1. Claims 1-24 have been canceled and claims 25-86 have been added.

### Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 25-88 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 5,956,700. Although the conflicting claims are not identical, they are not patentably distinct because:

Claim 25 and 57 further recite an interactive device to present a plurality of transactions representing bills for at least two different payees. Official notice is taken that is old and well known in bill payment systems to present payors with more than one payees to which payment is due because such a modification would allow the payor to save time by viewing the different payees to which payment is due.

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The further limitations of claims 26, 27, 58 and 59 are present in claim 10 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 28 and 60 are present in claim 11 of the "700" patent and therefore is rejected under similar rationale.

The further limitations of claims 29 and 61 are present in claim 12 of the "700" patent and therefore is rejected under similar rationale.

The further limitations of claims 30 and 62 are present in claim 13 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 31, 32, 63 and 64 are present in claim 25 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 33, 34, 35, 65, 66 and 67 are present in claim 10 of the "700" patent and therefore is rejected under similar rationale.

With respect to claims 36, 37, 68 and 69, the claims further recite that the payee is identified by a name. In claim 10 of the "700" patent it discloses identifying payee's information. Since, a name can be used as an identifier then it would have been obvious to a person of ordinary skill at the time of Applicant's invention to have included a name to identify the payee because such a modification would provide a distinctive word or phrase that would distinguish a payee from the others payees.

The further limitations of claims 38 and 70 are present in claim 10 of the "700" patent and therefore rejected under similar rationale.

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The further limitations of claims 39 and 71 are present in claim 6 of the "700" patent and therefore is rejected under similar rationale.

The further limitations of claims 40 and 72 are present in claim 2 of the "700" patent and therefore is rejected under similar rationale.

The further limitations of claims 41 and 72 are present in claim 3 of the "700" patent and therefore is rejected under similar rationale.

Claims 42 and 74 further recite that the date of the transfer for at least one bill being determined absent payor intervention based on at least one of bill data for the bill, without regard to due dates of bills of other payees. Since, the payee sends their information to the third party system including the date when the bills are due then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the date of the transfer absent to the payor intervention to include the date of the bill date because such a modification would avoid the bill from being late.

The further limitations of claim 43 and 75 are present in claim 1 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 44 and 76 are present in claim 2 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 45 and 77 are present in claim 3 of the "700" patent and therefore rejected under similar rationale.

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The further limitations of claims 46 and 78 is present in claim 10 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 47, 48, 79 and 80 are present in claim 10 of "700" and therefore rejected under similar rationale.

With respect to claims 49, 50, 81 and 82, the claims further recite that the payee is identified by a name. In claim 10 of the "700" patent it discloses identifying payee's information. Since, a name can be used as an identifier then it would have been obvious to a person of ordinary skill at the time of Applicant's invention to have included a name to identify the payee because such a modification would provide a distinctive word or phrase that would distinguish a payee from the others payees.

The further limitations of claims 51 and 83 are present in claim 4 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 52 and 84 are present in claim 5 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 53 and 85 are present in claim 6 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 54 and 86 are present in claim 7 of the "700" patent and therefore rejected under similar rationale.

The further limitations of claims 55 and 87 are present in claim 33 of the "700" patent and therefore rejected under similar rationale.

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The further limitations of claims 56 and 88 are present in claim 34 of the "700" patent and therefore rejected under similar rationale.

**Points Of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703) 305-0456. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30.

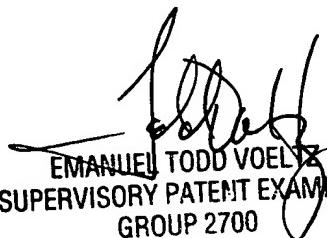
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached at (703) 305-9714. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
\_\_\_\_\_  
Raquel Alvarez

Patent Examiner, AU 2761

January 15, 2000

  
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EMANUEL TODD VOELTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2700